

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HECTOR RINCON,

Petitioner,

-v-

WARDEN,

Respondent.  
-----X

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED**  
DOC #:  
DATE FILED: 4-12-10

08 Civ. 3776 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On April 10, 2009, the Honorable Kevin N. Fox, United States Magistrate Judge, issued a thorough and well-reasoned Report and Recommendation ("Report") in the above-captioned matter recommending that the Court deny petitioner Hector Rincon's pro se petition for a writ of habeas corpus.

Neither party has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, denies Rincon's petition for a writ of habeas corpus. The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: New York, NY  
April 9, 2010

  
JED S. RAKOFF, U.S.D.J.